

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:	§	CHAPTER 7
	§	
BEAUTIFUL BROWS LLC,	§	Case No. 18-66766-jwc
	§	
<u>Debtor.</u>	§	

APPLICATION FOR APPROVAL OF EMPLOYMENT OF THE LAW OFFICES
OF HENRY F. SEWELL, JR., LLC, AS COUNSEL FOR CHAPTER 7 TRUSTEE
EFFECTIVE NUNC PRO TUNC AS OF AUGUST 30, 2019

COMES NOW, S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Beautiful Brows LLC, Debtor (the “**Debtor**”) in the above captioned case (the “**Case**”), and herewith files this *Application for Approval of Employment of the Law Offices of Henry F. Sewell, Jr., LLC, as Counsel for Chapter 7 Trustee Effective Nunc Pro Tunc As of August 30, 2019* (the “**Application**”) and shows as follows:

JURISDICTION

1. This Court has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested are section 327 of Title 11 of the United States Code (the “**Bankruptcy Code**”) and Rule 2014 of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”).

BACKGROUND

3. On October 3, 2018, the Debtor initiated the Case by filing a voluntary petition for relief under chapter 11 of title 11 of the Bankruptcy Code.

4. On November 21, 2018, the United States Trustee filed a Notice of Appointment of Chapter 11 Trustee and Setting of Bond [Doc. No. 46] pursuant to which S. Gregory Hays was appointed as the Chapter 11 Trustee for the bankruptcy estate of the Debtor. After the United States Trustee filed an Application for Approval of Selection of Appointment of Chapter 11 Trustee [Doc. No. 47] on November 21, 2018, the Court entered an Order Approving Appointment of Chapter 11 Trustee [Doc. No. 49] on November 26, 2018, to confirm the appointment of S. Gregory Hays as the Chapter 11 trustee in the Case.

5. The Court approved the employment of the Law Offices of Henry F. Sewell, Jr., LLC (the “**Firm**”) as counsel for the trustee in the Chapter 11 Case [Doc. No. 164].

6. On September 3, the Court converted the Case to a proceeding under Chapter 7 effective August 30, 2019 [Doc. No. 170] and directed the United States Trustee to appoint a trustee in the Chapter 7 Case.

7. On September 4, 2019, the United States Trustee filed a Notice of Appointment of Interim Trustee and Section 341(a) Meeting of Creditors [Doc. No. 171] in which S. Gregory Hays was appointed as interim trustee in the Chapter 7 Case.

8. The meeting of creditors has been scheduled to be held at 11:00 AM on October 15, 2019 [Doc. No. 173].

9. The Trustee in the Chapter 7 Case wishes to employ the Firm as general bankruptcy counsel in the Chapter 7 Case.

10. Subject to further order of this Court, the Trustee anticipates that: a) the Firm will serve as the general bankruptcy counsel of the Trustee; and b) professional services by the Firm may include, but are not limited to, the following:

- a. Reviewing and preparing on behalf of the Trustee all pleadings, administrative and procedural applications, motions, answers, orders, reports and papers necessary to the administration of the estate of the Debtor and conducting examinations incidental to the administration of the bankruptcy estate;
- b. Advising the Trustee with respect to the powers and duties of the Trustee in the administration of the Case;
- c. Attending meetings and negotiating with representatives of creditors and other parties in interest and advise and consulting on the conduct of the Chapter 7 Case, including with regard to legal and administrative requirements in the Chapter 7 Case;
- d. Taking necessary action to protect and preserve the estate of the Debtor, including the investigation and prosecution of actions on their behalf, including, but not limited to, actions under chapter 5 of the Bankruptcy Code, the defense of any actions commenced against the estate, negotiations concerning all litigation in which the Debtor may be involved and objections to claims filed against the estate of the Debtor;
- e. Reviewing and preparing on behalf of the Trustee all documents and agreements as they become necessary and desirable;
- f. Reviewing and objecting to claims, providing litigation services relating to claims objections and proceedings to determine the extent, validity and priority of liens, and analyzing, recommending, preparing, and pursuing any causes of action created under the Bankruptcy Code;

- g. Advising and assisting the Trustee in connection with any disposition of assets of the estate of the Debtor;
- h. Appearing before this Court, any appellate courts, and the U.S. Trustee, and protecting the interests of the estate of the Debtor before such courts and the U.S. Trustee; and
- i. Providing assistance to the Trustee as to any and all other action incident to the proper preservation and administration of the assets of the bankruptcy estate and performing all other necessary legal services and give all other necessary legal advice to the Trustee in connection with this Chapter 7 Case.

11. Subject to the approval of the Application by this Court, the Firm is willing to serve as counsel for the Trustee and perform the services described above.

12. Attached as **Exhibit A** and incorporated herein by reference is the Declaration of Henry F. Sewell, Jr. (the “**Sewell Declaration**”) that is offered in support of this Application.

REQUESTED RELIEF

13. By this Application, the Trustee requests that the Court enter an order, pursuant to section 327(a) of the Bankruptcy Code and Bankruptcy Rule 2014(a), authorizing the Trustee to employ and retain the Firm as counsel, effective *nunc pro tunc*, as of August 30, 2019.

BASIS FOR RELIEF

14. Section 327(a) of the Bankruptcy Code authorizes the Trustee to retain one or more attorneys that do not hold or represent an interest adverse to the bankruptcy estate, and that are disinterested persons. The Trustee believes that: a) the services of the Firm are necessary to enable the Trustee to execute faithfully the duties of the Trustee; and b) the employment of the Firm is in the best interests of the Debtor, its estate, and its creditors.

15. The Trustee selected and seeks to retain the Firm as counsel because of the extensive experience and knowledge of the Firm in the fields of, *inter alia*, debtor and creditor rights, business liquidations under Chapter 7 of the Bankruptcy Code, and general corporate law. The attorneys at the Firm who will be employed in this Case are members in good standing in the courts in which they are admitted to practice. Accordingly, the Firm is well qualified to deal effectively with the potential legal issues and problems that may arise in the context of this Chapter 7 Case.

16. To the best of the knowledge, information, and belief of the Trustee, the Firm does not—except to the extent otherwise indicated herein or in the Sewell Declaration—hold or represent any interest adverse to the estate of the Debtor or its creditors. The Firm neither holds nor represents any interest materially adverse to the Debtor, or the estate of the Debtor and, except as set forth herein or in the Sewell Declaration, has had no dealings with the Debtor’s creditors, equity security holders or their counsel, except possibly incidental dealings with Debtor’s creditors or their counsel in matters unrelated to this Case. Accordingly, the Trustee believes that the Firm is a “disinterested person” as defined in section 101(14) of the Bankruptcy Code and that the Firm does not hold or represent any interests adverse to the bankruptcy estate of the Debtor.

COMPENSATION

17. The Trustee proposes to compensate the Firm for professional services rendered at its normal and customary hourly rates in effect from time to time, plus reimbursement of actual, necessary expenses incurred by the Firm on the behalf of the Debtor. The current hourly rate of Henry F. Sewell, Jr. is \$350 per hour. The hourly rate for Eric Silva, an attorney employed by the Sewell Firm, will be \$250 per hour. The Firm will also seek reimbursement for necessary expenses

incurred, which shall include travel, photocopying, delivery service, postage, vendor charges and other out-of-pocket expenses incurred in providing professional services.

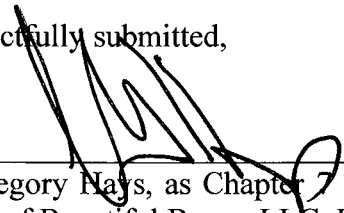
18. The Firm intends to apply to the Court for the allowance of compensation for professional services rendered and reimbursement of expenses incurred in accordance with the applicable provisions of the Bankruptcy Code and the Bankruptcy Rules.

19. The Trustee believes that the Firm is qualified to represent the interests of the Trustee and the bankruptcy estate of the Debtor. The Firm will comply with all of the requirements of this Court, the Bankruptcy Code and the Bankruptcy Rules with respect to fee and expense applications of professionals employed by bankruptcy estate of the Debtor.

WHEREFORE, the Trustee requests that this Court enter an Order, substantially in the form as the proposed Order attached hereto as **Exhibit B**, granting this Application, authorizing the retention of the Firm in the Chapter 7 Case and granting such other and further relief as may be just and proper.

Dated: September 17, 2019.

Respectfully submitted,



S. Gregory Nays, as Chapter 7 Trustee for the bankruptcy estate of Beautiful Brows LLC, Debtor

EXHIBIT A

(DECLARATION)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	§	CHAPTER 7
	§	
BEAUTIFUL BROWS LLC,	§	Case No. 18-66766-jwc
	§	
<u>Debtor.</u>	§	

DECLARATION OF HENRY F. SEWELL, JR.

COMES NOW, Henry F. Sewell, Jr., who deposes and states as follows:

1. I am the sole member of the Law Offices of Henry F. Sewell, Jr., LLC (the “**Firm**”), which maintains an office at 2964 Peachtree Road NW, Suite 555, Atlanta, GA 30305. I am an attorney at law, duly admitted and in good standing to practice in the state of Georgia, the United States District Court for the Northern District of Georgia, and the United States Court of Appeals for the Eleventh Circuit. I have personal knowledge of the matters set out herein.

2. This Declaration is offered in support of the *Application for Approval of Employment of the Law Offices of Henry F. Sewell, Jr., LLC, as Counsel for Chapter 7 Trustee Effective Nunc Pro Tunc As of August 30, 2019* (the “**Application**”) filed by S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Beautiful Brows LLC, Debtor (the “**Debtor**”) in the above captioned Chapter 7 case (the “**Case**”).

3. The Court previously approved the employment of the Firm as counsel for the trustee in the Chapter 11 Case [Doc. No. 164]. Based on my review of the Master List of Creditors provided to me by the Trustee, the Firm does not have or represent any interest adverse to the Debtor or its estate or have any connections with Debtor, its creditors, any other party in interest, or their respective attorneys or accountants except that the Firm may have had incidental contact

with creditors or other parties in interest or their respective attorneys or accountants in matters unrelated to this Case.

4. The Firm has not agreed to share any compensation or reimbursement awarded to the Firm under 11 U.S.C. §503(b) with any other person.

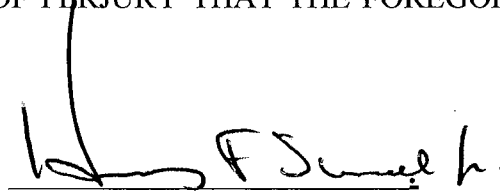
5. I have had substantial experience in bankruptcy matters, having practiced in this area since my admission to the State Bar of Georgia and commencement of my employment as a lawyer in 1986.

6. No members, associates or other professional employees of the Firm are related to any judge of the United States Bankruptcy Court for the Northern District of Georgia.

7. The employment of the Firm as counsel for the Trustee would be appropriate under 11 U.S.C. Section 327 and Bankruptcy Rules 2014 and 5002.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

This 17th day of September, 2019.

A handwritten signature in black ink, appearing to read "H F Sewell Jr.", is written over a horizontal line.

Henry F. Sewell, Jr.

EXHIBIT B

(PROPOSED ORDER)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	§	CHAPTER 7
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BEAUTIFUL BROWS LLC,	§	Case No. 18-66766-jwc
	§	
<u>Debtor.</u>	§	

**ORDER GRANTING APPLICATION FOR APPROVAL OF EMPLOYMENT OF THE
LAW OFFICES OF HENRY F. SEWELL, JR., LLC, AS COUNSEL FOR CHAPTER 7
TRUSTEE EFFECTIVE *NUNC PRO TUNC* AS OF AUGUST 30, 2019**

Upon the *Application for Approval of Employment of the Law Offices of Henry F. Sewell, Jr., LLC, as Counsel for Chapter 7 Trustee Effective Nunc Pro Tunc As of August 30, 2019* [Doc. No. ____] (the “**Application**”)¹ filed by S. Gregory Hays, Chapter 7 Trustee (the “**Trustee**”) for the bankruptcy estate of Beautiful Brows LLC (the “**Debtor**”) in the above captioned Chapter 7 case (the “**Case**”) seeking the entry of an order (this “**Order**”) authorizing the Trustee to retain

¹ Capitalized, but undefined, terms used herein shall have the meaning ascribed to such terms in the Application.

and employ the Law Offices of Henry F. Sewell, Jr., LLC (the “**Firm**”) as bankruptcy counsel in the Chapter 7 Case; and upon the Sewell Declaration annexed to the Application as Exhibit A; and the Court having determined that the relief requested in the Application is just and proper; and it appearing that the relief requested by the Application is in the best interest of the Debtor, its estate, its creditors and other parties in interest; and after due deliberation and sufficient cause appearing therefore; for good cause shown, it is hereby:

ORDERED, that the Application is GRANTED; and it is

FURTHER ORDERED, that the Trustee is authorized to retain and employ the Law Office of Henry F. Sewell, Jr., LLC, in the Chapter 7 Case effective as of August 30, 2019. The compensation to be paid to the Firm for professional services rendered and reimbursement for expenses incurred by the Firm shall be as determined by this Court upon proper application pursuant to the Bankruptcy Code; and it is

FINALLY ORDERED, that this Order is entered subject to written objection of the U.S. Trustee or any other party in interest within twenty-one (21) days from the date of entry of this Order. Any objection to this Order shall be served on the United States Trustee, Trustee, and proposed attorneys for the Trustee. If an objection is timely filed, then Trustee shall schedule a hearing on the Application and such objection pursuant to the Court’s open Calendar Procedures, and shall provide notice of such hearing to the United States Trustee and the objecting party.

*****END OF DOCUMENT*****

Prepared and Presented by:

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ **Henry F. Sewell, Jr.**

Henry F. Sewell, Jr.

Georgia Bar No. 636265

Buckhead Centre

2964 Peachtree Road NW, Suite 555

Atlanta, GA 30305

(404) 926-0053

hsewell@sewellfirm.com

PROPOSED COUNSEL FOR THE CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the within and foregoing *Application for Approval of Employment of the Law Offices of Henry F. Sewell, Jr., LLC, as Counsel for Chapter 7 Trustee Effective Nunc Pro Tunc As of August 30, 2019*, was served via the Court's ECF system to all parties registered with the system who have filed appearances and requested notices and on the following persons or entities as set forth below:

Office of the United States Trustee
c/o Thomas Wayne Dworschak, Esq.
362 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, Georgia 30303
Via email and ECF

Beautiful Brows LLC
5002 North Royal Atlanta Dr
Suite M
Tucker, GA 30084

Dated: September 17, 2019.

Respectfully submitted,

LAW OFFICES OF HENRY F. SEWELL JR., LLC

/s/ Henry F. Sewell, Jr.

Henry F. Sewell, Jr.
Georgia Bar No. 636265
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(404) 926-0053
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PROPOSED COUNSEL FOR THE CHAPTER 7 TRUSTEE